

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re)	
)	
Spectrum Needs of Emergency Response)	WT Docket No. 05-157
Providers)	
)	

To: The Commission

COMMENTS OF MARANATHA BROADCASTING COMPANY, INC.

Maranatha Broadcasting Company, Inc. ("MBC"), licensee of television broadcast station WFMZ-TV, Channel 69, Allentown, Pennsylvania, through counsel, hereby submits these brief comments in response to the FCC's invitation in its *Public Notice*, "Federal Communications Commission Requests Comment on Spectrum Needs of Emergency Response Providers," FCC 05-80, released March 29, 2005. The *Public Notice* solicits input on a report on the short- and long-term spectrum needs of emergency response providers mandated by the Intelligence Reform and Terrorism Prevention Act of 2004.

The scope of issues raised in the *Public Notice* is very broad. For example, the *Public Notice* states,

[W]e hereby seek input regarding the need for, operation, and administration of a potential nationwide interoperable broadband mobile communications network. In addition, we more broadly request comment from emergency response providers and other interested parties on any related issues that would provide additional pertinent information for the Commission's study We ask commenters to address the future spectrum needs of the emergency responder community, for interoperability purposes and otherwise, both on a short-term basis and on a long-term basis. Commenters are encouraged to address whether or not Congress should

provide an additional allocation of spectrum in the 700 MHz band for emergency response provider communications.

Operating on Channel 69, which has been allocated for public safety uses following the completion of the transition to digital television broadcasting, WFMZ-TV is potentially affected by the FCC's assessment of the "short-term" requirements of emergency response providers in the Upper 700 MHz band, and the time frame for conversion to digital broadcasting, which appear to be within the scope of the issues on which the FCC is seeking input for its report to Congress.

MBC is very cognizant of the importance of the availability of adequate spectrum for emergency response providers, particularly in the nation's largest urban centers. A large number of residents of the Allentown-Bethlehem-Easton area commute daily to work in New York City and northern New Jersey, and on September 11, 2001, and the days that followed, WFMZ-TV provided continuous live coverage of not only the tragic events in New York City, Washington, D.C., and western Pennsylvania, but also concerning the effects of those events on residents of its service area.

In assessing whether there is any reason to try to meet the short-term needs of emergency response providers in the Upper 700 MHz band, the FCC should consider three basic points:

First, WFMZ-TV, and other television stations currently operating in the Upper 700 MHz band, themselves provide an important public service during emergencies, including EAS announcements and other emergency information. WFMZ-TV's regular broadcast schedule includes 59 local newscasts each week, including five Spanish-language

newscasts, and its News Department is capable of providing around-the-clock coverage of major public emergencies.

Second, public safety agencies in the areas pertinent to WFMZ-TV have no short-term plans for new systems in the Upper 700 MHz band.¹ Given the long-term planning horizons to which local and state public safety agencies are subject – for study, design, funding and construction, and testing – it cannot seriously be suggested that there is any short-term need for access to the Upper 700 MHz band, whether by December 31, 2006, or, probably, by December 31, 2010. Construction of new public safety networks in the Upper 700 MHz band in any “short-term” time frame is a physical impossibility.

Third, the premature forced migration of television broadcasting from the Upper 700 MHz band to new digital television channel assignments will result in the disruption of valuable free television service. The FCC itself estimates that approximately fifteen percent of all television household watch television off-air, i.e., without subscribing to cable or satellite service. This does not account for the approximately one-half of all satellite subscribers who watch their local channels off-air, or the estimated 30 million households where one or more television sets are not connected to a multi-channel video programming provider. *Media Bureau Staff Report Concerning Off-the-Air Broadcast Television Viewers*, MB Docket No. 04-210, February 28, 2005 ¶¶ 7-9. It is clear that if a handful of television

¹ See, e.g., *Report and Order* in ET Docket No. 03-158, FCC 04-80, released April 9, 2004, reallocating TV Channel 16 in the New York City Metropolitan Area to the land mobile service for public safety communications on a permanent basis, in light of “future expanded operations” by emergency response agencies on Channel 16

stations are forced to convert to all-digital operation, on new channels, ahead of the schedule for the transition of all television broadcasting, many fewer households that rely on off-air reception will be able to continue to view those stations than would be the case if all television broadcasters converted at the same time. Those viewers will be deprived of television service on which they have come to rely – service which, as noted above, can be extremely valuable in instances of public emergency.

For the foregoing reasons, the FCC, in reporting to Congress, should recommend policies reflecting a realistic balance between the needs of emergency response agencies – which cannot be met, in the short-term, in the Upper 700 MHz band – and the vital service currently provided by television stations in portion of that spectrum.

Respectfully submitted,

MARANATHA BROADCASTING
COMPANY, INC. (WFMZ-TV)

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April 28, 2005